

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

GABBI LEMOS,
Plaintiff,

v.

COUNTY OF SONOMA, et al.,
Defendants.

Case No. [15-cv-05188-YGR](#) (LJC)

**ORDER REGARDING PLAINTIFF'S
MOTION FOR SANCTIONS**

Re: Dkt. No. 100

Before the Court is Plaintiff's Motion for Sanctions (Motion), which Defendants have opposed. ECF No. 100. The Undersigned has reviewed the Presiding Judge's order referring the Motion and the Motion's related filings and held a hearing on September 19, 2023. ECF Nos. 100, 107, 108, 110. As discussed at the hearing, Plaintiff's Motion is premature in that the factual record of what occurred with respect to the alleged spoliation of evidence is underdeveloped. Indeed, the parties do not dispute that certain key information related to the circumstances in which records were destroyed has not been collected and reviewed.

The Court needs additional information to make its findings. As such, the parties shall complete their discovery related to Plaintiff's Motion by October 23, 2023, the current discovery deadline for this case. The parties' written discovery requests related to this issue shall be served promptly, and the parties' discovery response deadlines shall be condensed from thirty days to fourteen days. See Fed. R. Civ. P. 33, 34, 36. The parties shall cooperate to schedule the necessary depositions to timely respond to this Court's order.

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1 By November 13, 2023, unless the motion is withdrawn, the parties shall file a statement
2 of undisputed facts. In addition, Plaintiff and Defendants shall each submit a supplemental brief,
3 not to exceed five pages, that explains how the newly collected evidence supports their
4 arguments. The parties shall also submit supporting declarations and exhibits consistent with
5 Local Rule 7-2(c). If necessary, the Court shall set an evidentiary hearing to assist in making
6 credibility determinations.

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8 **IT IS SO ORDERED.**

9 Dated: September 21, 2023

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13 LISA J. CISNEROS
14 United States Magistrate Judge
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